  
said predetermined angle at which said flames are projected outwardly from said at least three flame outlet orifices, toward said axis, and with respect to said plane within which said substantially planar tip head is disposed, is within the range of 20-35°.

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**REMARKS**

Favorable reconsideration of this patent application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-3 and 5-26 have been rejected as being improperly broadened under 35 USC 251; Claims 1-3 and 5-26 have been rejected as being based upon a defective reissue declaration under 35 USC 251; Claims 1-3 and 5-26 have been rejected as being indefinite under 35 USC 112; and Claims 1-26 have been rejected as being unpatentable over either Japanese ('310) or Japanese ('570) in view of Wiener et al. and

Falk et al. under 35 USC 103. Claims 1-3 and 5-26 remain active in this patent application.

It is reiterated to the Examiner that the present invention as now claimed patentably defines over all of the art of record and particularly over either Japanese ('310) or Japanese ('570) in view of Wiener et al. and Falk et al. More particularly, independent Claims 1,9,13,16, and 20 have been previously amended so as to set forth the fact that in accordance with the present invention, the arcuate extent of the tip head is claimed as being within the range of 240°-280° so as to facilitate the insertion of the member to be heated into the interior of the tip head through a side portion of the tip head. This is not the case with Japanese ('310), Japanese ('570), or Wiener et al. wherein the tip head or equivalent thereof has an arcuate extent which is substantially beyond 280°. In addition, the claims recite the fact that the outlet end of the tubular stem is connected to a middle portion of the arcuate tip head, and lastly, that two of the flame orifices are disposed at terminal ends of the arcuate tip head so that together with the third orifice, a substantially complete circumferential flame array

for substantially completely heating the entire circumferential extent of the member can be achieved with a minimum of three flame orifices as clearly shown in the left side of **FIGURE 2** of the patent drawings. It is respectfully submitted that these features are not at all disclosed within any of the **PRIOR ART** of record, and it is therefore respectfully submitted further that Claims 1,6,9,13, and 20, as well as the remaining claims of the patent and this patent application patentably define over all of such **PRIOR ART** of record.

With respect to the rejection of Claims 1-3 and 5-26 as being improperly broadened under 35 USC 251, it is respectfully submitted that the claims have not in fact been improperly broadened. Some of the language of the original claims have been relocated within the claims, and other language has simply been clarified, rephrased, or made more proper, such as, for example, the difference between "point" and "axis". In addition, Claim 13 cannot be rejected under such grounds as such claim was not part of the original patent and therefore cannot be improperly "broadened".

It is also noted that Claim 24 has been rewritten so as to be in proper format, and in addition, the independent claims have also been further amended so as to clarify the fact that the flames being projected "outwardly" are being projected outwardly from the orifices. It is respectfully submitted that some confusion may have previously existed in connection with the terminology "therefrom" and so it has now been rendered clear that the flames project outwardly from the orifices. It is also respectfully submitted that the term "outwardly", when used in connection with the flames projecting outwardly from the orifices, is inherent to the overall structure and system - it would be non-sensical or illogical to assume that the flame would project "inwardly".

In light of the foregoing, it is respectfully submitted that the claims as submitted are in fact proper and that the rejection of the claims, under the various grounds of rejection as noted above, should be withdrawn.


Similarly, it is respectfully noted that while the

examiner is within his rights to object to the drawings under 37 CFR 1.83(a) wherein the drawings do not disclose the angled disposition of the flame orifices, it is respectfully submitted that the objection to the specification and previously filed amendment is not proper in view of the fact that the original specification notes, for example, at Column 3, lines 43-46, that the orifices produce flames at an angle of, for example, 20-35°, away from the plane of the circular section of the torch tip. It is therefore submitted that such recitations are both explicitly and implicitly supported by the original specification. The drawings will be accordingly corrected upon the indication of allowance.

Lastly, it is again noted that the assignee has noted the examiner's request for surrender of the original patent and such will in fact be surrendered or a loss declaration filed upon the indication of allowance. Similarly with respect to the other formal requirements by the examiner, that is, with respect to the proper reissue declaration, such will be provided upon the indication of allowance.

In light of the foregoing, it is submitted that this patent application is now in condition for allowance, and therefore, an early and favorable action to this effect is now anticipated and awaited.

Respectfully Submitted,  
**SCHWARTZ & WEINRIEB**



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